

BOARD OF APPEALS - TOWN OF MOUNT AIRY - MARYLAND

PETITION FOR
SPECIAL EXCEPTION
UNDER ZONING ORDINANCE

CASE NO. _____
DATE FILED _____
FILING FEE _____
DATE PAID _____
ZONING DIST. _____
HEARING DATE _____

Petition is hereby made for a Fuel pad with one 500 gal fuel tank and two 1000 gal above ground fuel tanks under the Zoning Ordinance, as follows:

Location of property: West Side of Back Acre Circle / 550 ft south of Gails Lane
NSEW side of road; distance NSEW from nearest intersecting road _____

Subdivision Twin Business Park Section IV Lot 15 Block _____

Street and Number 2310 Back Acre Circle Zoning Classification Industrial (I)

Use Proposed:

Location of King Sports Construction

Zoning Ordinance subsection(s) providing for proposed use: 112-62 F(2)

Owner of Property: Name King State LLC

Address c/o Christina King, 2310 Back Acre Circle, Mount Airy, MD 21771

Petitioner's present legal interest in property: (CHECK ONE)

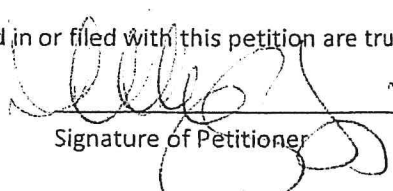
☒ Owner (Including Joint Ownership) _____ Lessee _____ Tenant other than as lessee(describe) _____

Has any previous petition of appeal involving this property been made to the Board: If so, give Case Number(s):

N/A

Further comments, if any: King Sports Construction installed a fuel pad system during COVID 19.
The above above ground fuel storage tanks provide significant savings in fuel operations.

I hereby affirm that all of the statements and information contained in or filed with this petition are true and correct.


Signature of Petitioner

2310 Back Acre Circle, Mount Airy, MD 21771

Address of Petitioner

LOT 15 ZONING ORDINANCE SPECIAL EXCEPTION

PROPOSAL

King State, LLC is developing Lot 15 in the Twin Arch Industrial Park. The use on Lot 15 is the base operations for King Sports Construction. The cost of fuel has steadily risen such that it is cost prohibitive to the business operations and control of operating expenses without fuel storage tanks for bulk fuel purposes. In March 2020, King Sports coordinated the installation of a fueling station with Town of Mount Airy representatives and MDE. At the time, they did not understand a Special Exception was required for the placement of above ground fuel storage in an Industrial Zone. This Special Exception is for the fueling station consisting of the following:

1. Two 1,000-gallon above ground fuel tanks. The above ground tanks are jacketed double wall storage tank. In addition, the bottom of the tank is seal-welded and coated with a highly corrosion resistant epoxy.
2. One 500-gallon above ground fuel tank. The above ground tank is a jacketed double wall storage tank. In addition, the bottom of the tank is seal-welded and coated with a highly corrosion resistant epoxy.
3. Concrete pad and containment wall for fuel system operations.
4. Canopy for the fuel system.
5. Concrete filled bollards between the above ground Fueling Station and driveway.

The above items for the underground fuel system meet the containment requirements of the Town Code.

The Variance requested therefore is to install an above ground fuel tank/fueling system on Lot 15.

§ ORDINANCE 112-62 F(2). Special Exceptions.

(2) Bulk storage of oil, petroleum, gasoline and similar flammable liquid and compressed gases. In an I District and subject to the requirements of that district except as herein provided:

- (a) Total storage not to exceed 200,000 gallons.
- (b) Each container shall be set back from the nearest line of adjoining property as follows:

| Water Capacity of Container (gallons) | Underground Storage (Feet) | Aboveground Storage |
|--|-------------------------------|--|
| 2001 to 30,000 | 50 feet | 50 feet, plus 1 inch per each foot of height of the container |

- (c) Storage of liquids above ground shall be restricted by dikes sufficient in size to contain the amount of liquid stored.

The above ground fuel station is more than 50 feet from the adjoining property lines. In addition, the above ground fuel tank is a double walled tank meeting the requirements of UL-2085. As a double wall tank, it meets the industry requirements to contain any amount of liquid stored by puncture or leakage of the tank. There is a concrete containment wall as part of the installation.

General and Specific standards for special exception uses.

- (a) *That proposed use, including its nature, intensity, and location, is in harmony with the intent of the Town Master Plan and the orderly and appropriate development of the district.*

Lot 15 is located along Back Acre Circle in the Industrial Zoned Twin Arch Business Park. The proposed use by King Sports Construction is consistent with the allowable use within an existing zoned Industrial District.

- (b) *That adequate water supply, sewage disposal, storm drainage and fire and police protection are or can be provided for the use.*

Adequate water supply, sewage disposal and storm drainage were provided with the construction of Back Acre Circle. In addition, utility improvements were part of the lot development. Police and fire protection are provided using the existing constructed Back Acre Circle and Town roadways.

- (c) *That the use of adjacent land and buildings will not be discouraged, and the value of adjacent land and buildings will not be impaired by the location, nature and height of buildings, walls and fences.*

The bulk fuel storage meets the required setback from the lot lines and is above ground. The use of adjacent land and buildings will not be discouraged, and the value of adjacent land and building will not be impaired by the location of the bulk fuel storage.

- (d) *That the use will have proper location with respect to existing or future streets giving access to it and will not create traffic congestion or cause industrial or commercial traffic to use residential streets.*

Back Acre Circle is a loop roadway within the Twin Arch Industrial Park. The location of the bulk fuel tanks will not impact the existing street and there are no future streets planned within the Twin Arch Industrial Park. The lot/development is located along Back Acre Circle, and It will not create traffic congestion or cause industrial or commercial traffic to use residential streets.

(e) That the specific standards (§112-62F) set forth for each particular use for which a special exception may be granted have been met except in the case of nonconforming structures where the Board determines that no adverse impact will result.

(2) Bulk storage of oil, petroleum, gasoline and similar flammable liquid and compressed gases. In an I District and subject to the requirements of that district except as listed in Ordinance §112 F(2).

The bulk fuel storage tanks consists two 1000 gal and one 500 gal above ground fuel tanks. Located more than 50-ft from the side lot lines and rear property line, the bulk storage of diesel and gasoline meets the Underground Storage setback requirements as listed in Ordinance §112 F(2).